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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

J. DOE 1, et al.,

Individual and
Representative Plaintiffs,

v.

GITHUB, INC., et al.,

Defendants.

AND CONSOLIDATED ACTION

Case No. 4:22-cv-6823-JST

Consolidated with Case No. 4:22-cv-7074-JST

**STIPULATION AND [PROPOSED]
ORDER REGARDING BRIEFING
SCHEDULE FOR RESPONDING TO
SECOND CORRECTED FIRST
AMENDED COMPLAINT**

Courtroom: 6
Judge: Hon. Jon S. Tigar
Trial Date: None Set

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15 *GP, LLC, OpenAI OpCo, L.L.C., OpenAI Startup*
16 *Fund GP I, L.L.C, OpenAI Startup Fund I, L.P.,*
and OpenAI Startup Fund Management LLC

1 Pursuant to Northern District of California Local Rule 7-12, the parties in the above-
2 captioned action hereby stipulate and agree as follows.

3 WHEREAS, on June 08, 2023, Plaintiffs Doe 1, Doe 2, Doe 3, Doe 4, and Doe 5 (the
4 “Plaintiffs”) filed a First Amended Complaint (the “FAC,” ECF No. 98) against Defendants
5 GitHub, Inc.; Microsoft Corporation; OpenAI, Inc.; OpenAI, L.P.; OpenAI OpCo, L.L.C.,
6 OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; and
7 OpenAI Startup Fund Management, L.L.C. (referred to collectively herein as “Defendants”) in
8 the above-captioned consolidated action (the “Action”);

9 WHEREAS, on June 21, 2023, Defendants and Plaintiffs stipulated to a briefing schedule
10 for responding to the FAC (ECF No. 105);

11 WHEREAS, on June 22, 2023, the Court granted the stipulation and set the Defendants’
12 deadline to file motions to dismiss as June 29, 2023, Plaintiffs’ deadline to file oppositions thereto
13 as July 27, 2023, and Defendants’ deadline to file replies as August 10, 2023 (ECF No. 106);

14 WHEREAS Defendants filed motions to dismiss on June 29, 2023 (ECF Nos. 107-110);

15 WHEREAS on July 21, 2023, Plaintiffs filed a Second Corrected FAC (ECF Nos. 134);

16 WHEREAS, the parties have conferred and agreed that the existing motions to dismiss
17 and briefing schedule are applicable to the Second Corrected First Amended Complaint, and that
18 the current briefing schedule ordered by the Court need not be disturbed;

19 WHEREAS, this stipulation will not alter the date of any event or deadline already fixed
20 by Court order;

21 WHEREAS, Defendants do not waive, and expressly reserve, all available defenses;

22 **NOW THEREFORE**, the parties, through their undersigned counsel, hereby stipulate
23 and agree, subject to the approval of the Court, that the pending motions to dismiss the FAC are
24 applicable to the Second Corrected FAC and that the briefing schedule set by ECF No. 106 is still
25 in effect.

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2
3 DATED: _____

4 _____
JON S. TIGAR
United States District Judge

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9 Dated: July 27, 2023

Orrick, Herrington & Sutcliffe LLP

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11 By: /s/ Annette L. Hurst
ANNETTE L. HURST
12 Attorneys for GitHub, Inc. and
Microsoft Corporation

13
14 Dated: July 27, 2023

MORRISON & FOERSTER LLP

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16 By: /s/ Joseph C. Gratz
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17 Attorneys for OpenAI, Inc., OpenAI, L.P.,
OpenAI GP, L.L.C., OpenAI OpCo,
18 L.L.C., OpenAI Startup Fund GP I, L.L.C.,
OpenAI Startup Fund I, L.P., and OpenAI
19 Startup Fund
Management L.L.C.

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21 Dated: July 27, 2023

JOSEPH SAVERI LAW FIRM, LLP

22
23 By: /s/ Joseph R. Saveri
JOSEPH R. SAVERI
24 Attorneys for Individual and
Representative Plaintiffs and
25 the Proposed Class
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L.R. 5-1 SIGNATURE ATTESTATION

As the ECF user whose user ID and password are utilized in the filing of this document, I attest under penalty of perjury that concurrence in the filing of the document has been obtained from each of the other signatories.

Dated: July 27, 2023

/s/ Annette L. Hurst

Annette L. Hurst